

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WARNER BROS. RECORDS INC.,
a Delaware corporation;
ARISTA RECORDS LLC,
a Delaware limited liability company;
PRIORITY RECORDS LLC,
a California limited liability company;
UMG RECORDINGS, INC.,
a Delaware corporation; and
SONY BMG MUSIC ENTERTAINMENT,
a Delaware general partnership,

Case No. 5:04-cv-214

Hon. Wendell A. Miles

Plaintiffs,

v

LISA PARKER,

Defendant.

ORDER REQUIRING PLAINTIFFS TO SERVE WRITTEN NOTICE
OF APPLICATION FOR ENTRY OF DEFAULT JUDGMENT

Plaintiffs filed this action against defendant Lisa Parker alleging copyright infringement. Defendant Parker has defaulted, her default having been entered on April 19, 2005. The matter is currently before the court on plaintiffs' Application for Entry of Default Judgment by the Court (docket no. 14).

Before defendant Parker defaulted, she appeared in this action by filing a letter with the court requesting additional time in which to answer the complaint (docket no. 5). Although the court granted an extension, Parker ultimately failed to answer or otherwise defend. Because Parker has appeared, Fed.R.Civ.P. 55(b)(2) requires that she be given written notice of the

application for default at least three (3) days prior to the hearing on plaintiffs' application for entry of default judgment. However, plaintiffs' application is not accompanied by a proof of service on defendant Parker.

IT IS THEREFORE ORDERED that plaintiffs shall, **within 30 days from the date of entry of this order**, serve a copy of their application for entry of default judgment on defendant Parker (if plaintiffs have not done so already), and shall file proof of service with the court.

Plaintiffs' failure to comply with this order will result in the denial of their application and in the dismissal of their complaint without prejudice for lack of prosecution.

Entered this 31st day of May, 2005.

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge